

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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IN RE:

PEARLIE BLACK  
Debtor/Plaintiff

CHAPTER 13

CASE NO. 13-27953-E

VS.

ADV. NO.

Wells Fargo Home Mortgage, and/or Wells Fargo Bank, NA  
And/or Citibank, National Association As Trustee For  
Wachovia Loan Trust and/or Wachovia Bank, N. A.

Defendant

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COMPLAINT TO DETERMINE EXTENT/VALIDITY OF LIEN

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Come now THE PLAINTIFF, Pearlie Black, and in support of her Complaint and for Cause of Action states:

1. This is an Adversary Proceeding pursuant to Bankruptcy Rule 7001 and arises out of and is related to Debtors' bankruptcy case. This Court has jurisdiction over this core proceeding pursuant to 28 U.S.C. § 157, 1334 and by virtue of 11 U.S.C. § 502, 11 U.S.C. § 506(a) and 11 U.S.C. § 1325.
2. That on July 29, 2013, Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code.
3. That Debtor scheduled real estate located at 4268 Lawnview St., Memphis, TN 38109, with a value of \$43,200.00, and a balance owed on the first mortgage held by Select Portfolio Servicing, Inc. of \$35,929.27.
4. After confirmation of the instant case, the Case Trustee, Sylvia Ford Brown, began making payments to Wells Fargo Home Mortgage (hereinafter "WFHM") for the ongoing mortgage that was ultimately returned by Wells Fargo Home Mortgage on

November 18, 2013 with correspondence advising that the mortgage account had been paid in full. (See Exhibit A)

5. On January 13, 2012, WFHM filed CORPORATE ASSIGNMENT OF DEED OF TRUST indicating the Assignee to be Citibank, National Association As Trustee For Wachovia Loan Trust 2005-SD1, Asset Backed Certificates, Series 2005-SD1 at 399 Park Avenue, New York, NY 10022 by Assignor, Wells Fargo Bank, N.A., Successor by Merger to Wachovia Bank, National Association at 1 Home Campus, Des Moines, IA 50328. (See Exhibit B)
6. On September 6, 2012, Citibank, National Association As Trustee For Wachovia Loan Trust 2005-SD1 and prepared by Lani White, agent and representative for WFHM X0501-022, 1003 E. Brier Dr., San Bernardino, CA 92408. filed TRUST DEED RELEASE with the Shelby County Registrars' Office. (See Exhibit C)
7. Debtor continued to receive monthly statements from WFHM in 2013 for the instant account. Further, On July 29, 2013, Counsel contacted WFHM and advised their bankruptcy department of the instant case filing which was then noted in their system by "Nataly", whom acknowledged the account at that time.
8. Since September 14, 2013, Counsel for Debtor has repeatedly and unsuccessfully attempted to discuss this account with WFHM and their known attorneys, Wilson and Associates.
9. Counsel has only been able to confirm, as late as January 30, 2014, that the account is in their "liquidation department" and that their authorization to discuss the account with counsel and Attorney of Record in this case is no longer valid, which is inexplicable.
10. Debtor requests that the mortgage balance herein be deemed satisfied in full and any lien asserted released and void. Further, that her plan be modified to delete the

mortgage creditor(s) and any claims (not yet filed as of today's date) of said mortgage creditor, and her plan payments reduced accordingly.

**WHEREFORE DEBTORS PRAY AS FOLLOWS:**

1. For the Court to make a determination as to the extent and validity of the lien held by Wells Fargo Bank, N.A., Successor by Merger to Wachovia Bank, National Association and/or Citibank, National Association As Trustee For Wachovia Loan Trust. Specifically that the Court determine that the lien is released and or void and the debt paid in full.
2. For any such other relief to which Debtors may be entitled.

Respectfully submitted,

Date: January 30, 2014

/s/ Barbara R. Loevy  
Barbara R. Loevy, DISC. NO. 14943  
Attorney for Debtor  
200 Jefferson Avenue, Suite 707  
Memphis, TN 38103  
(901) 278-2800

**CERTIFICATE OF SERVICE**

I, Barbara R. Loevy, hereby certify that on January 30, 2014, a true and exact copy of the foregoing has been sent electronically or via United States Postal Service, first class postage prepaid, or hand delivered to the persons listed below.

/s/  
Barbara R. Loevy  
Barbara R. Loevy, DISC. NO. 14943  
Attorney for Debtor  
200 Jefferson Avenue, Suite 707  
Memphis, TN 38103  
(901) 278-2800

Debtor  
Debtor's Attorney  
Case Trustee

Wells Fargo Bank, NA  
Corporate Service Company (Registered Agent for Service)  
2908 Poston Ave.

Nashville, TN 37203-1312

Wells Fargo Bank, NA  
Principal Office  
464 California St.  
San Francisco, CA 94104

Wells Fargo Home Mortgage  
c/o Wilson and Associates  
5050 Poplar Ave., Suite 115  
Memphis, Tn 38119

Wells Fargo Home Mortgage  
(Principal Office)  
MAC X2401-049  
Des Moines, IA 50328-0001

Wells Fargo Home Mortgage  
Correspondence  
P.O. Box 10335  
Des Moines, IA 50306

Wells Fargo Home Mortgage  
1003 E Brier Dr.  
San Bernardino, CA 92408

Citibank, National Association  
as Trustee for Wachovia Loan Trust 2005-SD1  
399 Park Ave.  
New York, NY 10022

Wachovia Bank, National Association  
Corporate Service Company (Registered Agent)  
2908 Poston Ave.  
Nashville, TN 37203-1312

Wachovia Bank, National Association  
(Principal Office)  
301 S. College St.  
Charlotte, NC 28288

Wells Fargo Bank, N.A., Successor by  
Merger to Wachovia Bank, N. A.  
1 Home Campus  
Des Moines, IA 50328

Wells Fargo Bank, N.A.,  
2701 Wells Fargo Way  
MAC X9999-018  
Minneapolis, MN 55467